

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

LESLIE K. HOLTE,)	
)	
Plaintiff,)	
)	
vs.)	No. 12-2155-JDT-dkv
)	
KEITH HOGWOOD and)	
CITY OF GALLAWAY, TENNESSEE,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION FOR DISMISSAL FOR FAILURE TO PROSEUCTE

The burden is on the plaintiff to prosecute his case. By notice dated August 29, 2013, a scheduling conference in this case was set for Tuesday, October 1, 2013, at 9:30 a.m. The plaintiff, Leslie K. Holte, proceeding *pro se*, did not appear at the scheduling conference. V. Latosha Dexter, counsel for defendants, Keith Hogwood and City of Gallaway, Tennessee, appeared at the conference.

On October 1, 2013, an Order to Show Cause was entered ordering Holte to appear and show cause on Thursday, November 14, 2013, at 9:30 a.m. in Courtroom 5, 3rd Floor Federal Building, 167 North Main Street, Memphis, Tennessee, why this case should not be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Holte was warned that failure to respond to the show cause order may result in dismissal of this lawsuit for failure to prosecute. The Order to Show Cause was returned as undeliverable. By order dated June 10, 2013, Holte had been directed to promptly notify the Clerk of Court of any change of address and was warned that failure to comply with the requirement and other orders of the court may result in the

dismissal of his case.

Holte failed to appear or otherwise show cause as to why the matter should not be dismissed for failure to prosecute. Counsel for the defendants, Keith Hogwood and City of Gallaway, appeared at the show cause hearing and made an oral motion pursuant to Rule 41(b) for dismissal with prejudiced for failure to prosecute.

Accordingly, it is recommended that this case be dismissed with prejudice pursuant to Rule 41(b) for the Federal Rules of Civil Procedure for failure to prosecute.

Respectfully submitted this 14th day of November, 2013.

s/Diane K. Vescovo
DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE

NOTICE

Within fourteen (14) days after being served with a copy of this report and recommended disposition, a party may serve and file written objections to the proposed findings and recommendations. A party may respond to another party's objections within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b)(2). Failure to file objections within fourteen (14) days may constitute a waiver of objections, exceptions, and further appeal.